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Wrexham County Borough Council,
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northplanning@cyfoethnaturiolcymru.gov.uk

03/04/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH SOME MATTERS RESERVED) TO ERECT A SINGLE DWELLING FOR AN AGRICULTURAL WORKER

LLEOLIAD / LOCATION: BLACK ROCK FARM, SESSWICK WAY, CROSS LANES, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 04/11/2022.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you further consideration is required regarding protected sites (foul drainage). Further details are provided below. We also advise that based on the information submitted to date, conditions regarding protected species should be attached on any planning permission granted. Without the inclusion of these conditions and/or documents by the planning authority we would be likely to object to the planning application.

Protected Sites

- Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. It is noted in an email dated 23/03/2023 from your Authority that the proposal would be considered an increase in the volume of foul discharge.

We therefore advise your Authority to undertake a Habitats Regulations Assessment (HRA). Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise the Applicant make use of our [pre-application advice service prior to applying for an Environmental Permit](#), to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Protected Species

In our response of CAS-192837-W4Z7, we advised that the applicant submit a revised great crested newt conservation plan.

We note the provision of the following document:

- 'Proposed Dwelling Black Rock Farm, Cross Lanes, Wrexham GCN Mitigation Strategy' dated 2/11/22, by Etive Ecology

- Siting of the dwelling

We note from the conservation plan that no activities will be permitted within 5m of the GCN pond. Whilst we welcome this, we advise that the dwelling is sited significantly further away from the pond at the far side of the red line boundary. We advise the imposition of a suitably worded condition so that the dwelling is sited further away from the pond.

- The Conservation Plan

Whilst the applicant will most likely need to build upon the detail at the time of the EPS licence application, we consider the conservation plan to be adequate for informing the planning decision-making process. The applicant should note however to support a licence application, a more detailed method statement will need to be prepared, which builds upon the principles in the conservation plan.

In terms of compensation, we note that an equivalent area of land to that to be permanently lost will be provided and incorporated into the adjacent areas of existing habitat already under management for GCN and within the same ownership and that the lease agreement between the applicant and the current managing agents will be updated following planning approval to ensure its management.

We therefore consider that providing the building can be satisfactorily sited and remote from the adjacent pond, the development is not likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of planning conditions / obligations (such as a Section 106 Agreement or a unilateral undertaking) to ensure the management of the compensation area for great crested newt. The conservation plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Siôn M. Williams
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales